



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 221]

नई दिल्ली, मंगलवार, सितम्बर 14, 1965/भाद्र 23, 1887

No. 221]

NEW DELHI, TUESDAY, SEPTEMBER 14, 1965/BHADRA 23, 1887

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि वह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

MINISTRY OF STEEL AND MINES

(Department of Mines and Metals)

NOTIFICATION

New Delhi, the 14th September 1965

S.O. 2911.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby rescinds the Non-ferrous Metals Control Order, 1958, published with the Order of the Government of India No. S.O. 446, dated the 2nd April, 1958, except as respects things done or omitted to be done.

[No. 2(18)Met/65.]

ORDER

New Delhi, the 14th September 1965

S.O. 2912.—In exercise of the powers conferred by rule 125 of the Defence of India Rules, 1962, the Central Government hereby makes the following Order, namely:—

1. **Short title, extent and commencement.**—(1) This Order may be called the Scarce Industrial Materials (Control) Order, 1965.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. **Definitions.**—In this Order, unless the context otherwise requires,—

(a) "Controller" means the Director General of Technical Development, New Delhi, and includes any other officer appointed by the Central

Government to perform the functions of the Controller under this order;

- (b) "importer" means a person who imports any scarce industrial material into India;
- (c) "producer" means any person who produces any scarce industrial material by any means whatsoever;
- (d) "scarce industrial material" means any industrial material mentioned in the Schedule to this Order.

3. Declaration of stocks.—Every person holding in stock on the date of commencement of this Order, whether on his own account or on account of any other person, any scarce industrial material shall, within fifteen days of such commencement, furnish to the Controller information about the quantity and description of such scarce industrial material.

4. Restriction regarding sale etc. of scarce industrial material.—(1) No person shall sell or otherwise dispose of or use any scarce industrial material except under and in accordance with a permit issued by the Controller in this behalf.

(2) No person shall acquire or agree to acquire any scarce industrial material from an importer or a producer or any other person holding in stock any scarce industrial material except under and in accordance with a permit issued by the Controller in this behalf.

(3) Every permit issued under this clause shall be in such form as may be prescribed by the Controller with the approval of the Central Government and shall be valid for a period of sixty days from the date of issue and may be renewed from time to time for such periods not exceeding sixty days at a time, as the Controller thinks fit.

5. Factors to be taken into account while issuing permit under clause 4.—In issuing any permit under clause 4, the Controller shall have regard to the following matters, namely:—

- (a) the quantity of scarce industrial material required for defence purposes;
- (b) the quantity of scarce industrial material required for the purpose of any scheduled industry as defined in the Industries (Development and Regulation) Act, 1951 (65 of 1951);
- (c) the quantity of scarce industrial material required for small-scale industries in each State, based on the recommendations of the Development Commissioner, Small-Scale Industries, Government of India, or of the Director of Industries of the State;
- (d) the quantity of scarce industrial material produced or imported and available for distribution;
- (e) any other relevant factor.

6. Obligation on person holding stock of scarce industrial material to sell.—Where a permit has been issued under sub-clause (2) of clause 4, it shall be obligatory upon any importer or producer or any other person to sell, subject to such conditions as may be specified in any special or general written order of the Controller, any scarce industrial material imported, produced, or otherwise held in stock by him to the person holding such permit within such time as may be specified in this behalf in the permit.

7. Price at which scarce industrial material may be sold.—(1) No person other than a producer shall sell or offer to sell any scarce industrial material at a price which exceeds the amount represented by an addition of $3\frac{1}{2}$ per cent to its landed cost.

(2) No producer shall sell or offer to sell any scarce industrial material at a price exceeding that as may be fixed by the Controller in this behalf and the price so fixed by the Controller shall be a sum equal to the average landed cost of such scarce industrial material in the month immediately preceding the month in which the sale takes place plus $3\frac{1}{4}$ per cent of such average landed cost.

(3) Notwithstanding anything contained in sub-clause (1) or sub-clause (2) every importer, producer or other person shall be entitled to recover from the purchaser the actual expenses incurred by him towards the payment of any duty in respect of the scarce industrial material.

(4) No person shall purchase or offer to purchase from any person any scarce industrial material at a price higher than that at which it is permissible for that other person to sell to him under this clause.

(5) In this clause "landed cost" means the aggregate of—

- (i) the c.i.f. Indian port price;
- (ii) the bank charges for opening letter of credit;
- (iii) the bank's interest charges for payment against the letter of credit or sight draft;
- (iv) the actual expenses incurred by way of (a) port trust and clearing charges and (b) charges for transport from docks or jetties to warehouse.

8. Maintenance of books, accounts etc.—Every importer, producer and other person holding stock of any scarce industrial material, shall—

- (a) furnish such returns and maintain such books, accounts and other records relating to the import, production, use or disposal of any scarce industrial material as the Controller may direct;
- (b) Produce before any officer authorised by the Controller in this behalf any such books, accounts or other records as that officer may require;
- (c) furnish to the Controller or any other officer authorised by the Controller in this behalf any information in his possession relating to the import, production, use and disposal of any scarce industrial material.

9. Power to enter, search, etc.—The Controller or any other officer authorised by the Central Government in this behalf may, with a view to securing compliance with this Order or to satisfy himself that the provisions of this Order have been complied with—

- (a) enter and search any premises, vehicles, vessels or aircraft in which he has reason to believe that any scarce industrial material is stocked;
- (b) inspect or cause to be inspected any books or document as well as any stocks of any scarce industrial material belonging to or under the control of an importer or producer or any other person;
- (c) seize, with such assistance or aid as may be necessary, any scarce industrial material in respect of which he suspects that any provision of this Order has been, is being or is about to be contravened.

10. Saving.—Nothing in clause 3 or clause 8 shall apply to a person holding stock of copper, lead or zinc weighing less than one metric tonne or of tin weighing less than 250 Kilogrammes.

[No. 2(18)Met/65.]

N. C. SHRIVASTAVA, Secy.

